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OVWI arrest

person did not refuse to submit to a certified chemical test and either did not fail it or the results are not available = no license suspension
9-30-6

person submits to a certified chemical test and the BAC is over the legal limit
9-30-6-8(a-b)

person refuses to submit to a certified chemical test
9-30-6-8(a-b)
*person refuses to submit to a certified chemical test, but is ordered to submit is still a refusal
9-30-6-6

Court orders a license suspension
9-30-6-8(c)

Courts have 2 options:
lic. susp. or Ignition Interlock Device

Court orders ignition interlock device-it remains in place until the Court notifies the BMV that the case is resolved
9-30-6-8(d)

refusal
9-30-6-9(b)

susp. time depends on refusal issue and prior history

person submits to a certified chemical test and the BAC is over the legal limit = Court must order a lic. susp. for the earlier of 180 days or until the Ct. notifies the BMV that the case is resolved
9-30-6-9(c)

if no prior ovwi conviction = 1 yr. lic. suspension
9-30-6-9(b)(1)(A)
Court may terminate the refusal suspension
9-30-6-9(b)(2)

if at least one prior ovwi conviction = 2 yr. lic. suspension
9-30-6-9(b)(1)(B)
Court may terminate the refusal suspension
9-30-6-9(b)(2)

hearing of petition to review lic. susp./IID

Judicial Review

Judicial decision on the case's merits

Judicial hearing for petition to cancel the lic. susp. or ignition interlock device. The petitioner must show that probable cause did not exist or that they did not refuse
9-30-6-10(a-c)

If Court agrees, then Ct. orders the BMV to rescind the ignition interlock device or reinstate the driving privileges
9-30-6-10(d)

If Court denies the petition then the ignition interlock device or lic. suspension remains
9-30-6-10

When case is resolved in person's favor the Court orders the BMV to rescind the ignition interlock device or reinstate the driving privileges and orders that no reinstatement fee be imposed if one of the following occurred:
9-30-6-11
(*Record of the BAC suspension is removed from person's official driving record. 9-30-6-13.5)

charges dismissed and prosecutor states they will not re-file them
9-30-6-11(a)(1)

Court finds that the Defendant's claim of violation of trial deadline is true
9-30-6-11(a)(2)

Defendant is found not guilty and the person had not refused to take the cert. chem. test
9-30-6-11(a)(3)